

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Appropriations Committee

**BILL:** CS/CS/SB 2102

**INTRODUCER:** Committee on Higher Education Appropriations, Committee on Pre-K - 12 and Senator Wise

**SUBJECT:** Postsecondary Education Fee Waivers

**DATE:** April 19, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Fav/CS
2.	Brown	Matthews	HE	Favorable
3.	Bryant	Hamon	HI	Fav/CS
4.			WPSC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill exempts a convenience fee by a non-public institution, imposed upon a student or family for payment of tuition and other fees by credit card from being considered a surcharge, provided the amount of the convenience fee does not exceed the total cost charged by the credit card company to the institution.

The bill prohibits a cause of action against a state university, for the actions or decisions of the student government of the state university, unless such action or decisions are made final by the state university and constitute a violation of state or federal law.

This bill authorizes a state university or community college to waive tuition and fees for up to 6 credit hours of postsecondary courses provided to public school full-time classroom teachers in kindergarten through grade 12 instruction. Such courses are limited to undergraduate courses in the areas of special education, mathematics, and science, on a space-availability basis and not scheduled during the day.

This bill substantially amends sections 501.0117, 1004.26, and 1009.26 of the Florida Statutes.

## II. Present Situation:

### **Credit cards**

Under section 501.0117, Florida Statutes, a seller or lessor in a sales or lease transactions may not impose a surcharge on the buyer or lessee for electing to use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card.

### **University student governments**

A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. Each student government is a part of the university at which it is established.

Each student government is organized and maintained by students and is composed of at least a student body president, a student legislative body, and a student judiciary. The student body president and the student legislative body are elected by the student body; however, interim vacancies and the student judiciary may be filled in a manner other than election as prescribed by the internal procedures of the student government.

Each student government is require by law to adopt internal procedures for governing:

- The operation and administration of the student government, and
- The execution of all other duties as prescribed to the student government by law.

### **Fee waiver authority**

School districts and community colleges are provided fee waiver authority, provided that it does not exceed the legislatively-set amount determined annually in the General Appropriations Act.<sup>1</sup>

Fee or tuition waivers, by career centers, community colleges, and state universities, are provided for specific persons:

- Wrongfully incarcerated persons, who are eligible for a tuition and fee waiver of up to 120 credit hours;<sup>2</sup>
- State employees, working for the executive, legislative, and judicial branches of government, and full-time university employees, who are eligible for a tuition and fee waiver of up to six credit hours per semester, subject to space availability;<sup>3</sup>
- Students who do not possess high school diplomas or have diplomas but have not tested beyond eighth-grade level academics; dual enrollment or early admission program students; approved apprenticeship program students; welfare transition program students; students who were in state protective services custody; and students who lacks regular shelter, who are provided an exemption from tuition and fees, including lab fees;<sup>4</sup>
- Supervisors of state university student interns, and persons at least 60 years old, who are eligible for an application, tuition and fee waiver;<sup>5</sup> and

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<sup>1</sup> s. 1009.26(1), F.S.

<sup>2</sup> s. 961.06(1)(b), F.S.

<sup>3</sup> ss. 1009.265(1) and 1009.26(3), F.S.

<sup>4</sup> s. 1009.25, F.S.

<sup>5</sup> s. 1009.26, F.S.

- Purple Heart recipients and certain other military personnel, who are eligible for a waiver of undergraduate tuition.<sup>6</sup>

Some authority provides for state payment of tuition but imposes conditions for repayment in particular circumstances, such as where the attendee leaves employment or fails to satisfactorily perform during a specified time period.<sup>7</sup>

As instructional personnel, classroom teachers are defined as providing, at the kindergarten through grade 12 level, basic instruction, exceptional student education, career education, and adult education, including substitute teachers.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill exempts a convenience fee imposed upon a student or family for payment of tuition and other fees by credit card, by a non-public institution, from being considered a surcharge provided the amount of the convenience fee does not exceed the total cost charged by the credit card company to the institution.

The bill prohibits a cause of action against a state university, for the actions or decisions of the student government of the state university, unless such action or decisions are made final by the state university and constitute a violation of state or federal law.

The bill authorizes a state university or community college to waive tuition and fees for up to six credit hours per semester for undergraduate courses taken by full-time employed classroom teachers. Although substitute teachers are included in the definition of classroom teachers, this bill requires full-time employment, so that substitute teachers probably will not qualify.

Courses are limited to: undergraduate courses in the areas of special education , mathematics, and science on a space available basis and not scheduled during the day.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>6</sup> s. 1009.26(8), F.S.; See, i.e., s. 250.10, F.S., which authorizes the Department of Military Affairs to pay the full cost of tuition and fees for required courses of the Florida National Guard, and s. 295.02, F.S., which provides for payment of tuition and registration fees, rent and books and supplies for children of deceased or disabled veteran, subject to appropriation.

<sup>7</sup> s. 110.1099, F.S., provides authority for state employees to receive a voucher or grant to attend work-related courses at community colleges, career centers, or state universities, and authorizes the agency or judicial branch to enter into an agreement with the employee requiring reimbursement of costs if the employee voluntarily terminates or is terminated for cause within a four-year period after training; s. 250.10, F.S., authorizes tuition and fee payment for National Guard members but requires reimbursement if the member fails to maintain satisfactory participation in the Florida National Guard; and s. 943.16, F.S., provides for law enforcement agencies to pay trainee costs of tuition, but requires reimbursement if the trainee leaves or is terminated from employment within two years of graduation.

<sup>8</sup> s. 1012.01(2)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill authorizes a state university or community college to allow full-time classroom teachers to take public postsecondary undergraduate-level courses without paying tuition or fees, which in addition to representing an immediate cost-saving, could provide a long-term financial benefit to participants regarding professional career advancement. As of fall 2009, the population of Florida public school classroom teachers is approximately 166,700 teachers.<sup>9</sup> It is unknown how many teachers would participate, based on space-availability and other limitations.

C. Government Sector Impact:

Since the authority to take courses is subject to space-availability, a fiscal impact is not expected.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS for CS by Higher Education Appropriations Committee on April 19,2010:**

The committee substitute.

- Exempts a convenience fee imposed by a non-public institution for payment of tuition and other fees from being considered a surcharge if the amount of the

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<sup>9</sup> Website: <http://www.fldoe.org/eias/eiaspubs/word/psstf0910.doc>. Last checked April 7, 2010.

convenience fee does not exceed the total cost charged by the credit card company to the institution.

- A cause of action against a state university for actions or decisions of the student government of the state university is prohibited unless such action or decisions are made final by the state university and constitute a violation of state or federal law.
- The State Board of Education shall adopt a rule that prescribes the process for the approval of courses for which tuition and fees are waived for classroom teachers

**CS by Education Pre-K – 12 Committee on April 6, 2010:**

This committee substitute:

- Limits application to classroom teachers;
- Provides that authorized courses are subject to space availability;
- Limits courses to undergraduate classes in special education, math and science; and
- Precludes classroom teachers from taking courses during the school day.

**B. Amendments:**

None.